

SPECIAL TOWN COMMISSION MEETING MINUTES
APRIL 30, 2018

Minutes of the Special Town Commission Meeting of the Town of Ocean Ridge held on Monday,
April 30, 2018, at 1:00 PM in the Town Hall Commission Chambers.

CALL TO ORDER

The meeting was called to order by Mayor Bonfiglio at 1:00 p.m.

ROLL CALL

Town Clerk Stevens led the roll call, which was answered by the following:

| | <u>Present:</u> | <u>Absent:</u> | <u>Tardy:</u> |
|------------------------|-----------------|----------------|---------------|
| Commissioner Besler | x | | |
| Mayor Bonfiglio | x | | |
| Commissioner Coz | x | | |
| Commissioner de Haseth | x | | |
| Vice Mayor MaGruder | x | | |

PLEDGE OF ALLEGIANCE

Mayor Bonfiglio led the Pledge of Allegiance.

ADDITIONS, DELETIONS, MODIFICATIONS, AND APPROVAL OF AGENDA

Vice Mayor MaGruder moved to approve the agenda as submitted; seconded by Commissioner Besler. Motion carried 5-0.

PUBLIC COMMENT

Robert Hartsell, P.A., Pompano Beach, representing Sunshine Estate Trust and John Luring, spoke to the Commission regarding buildings that are already in the pipeline with the Town. He stated that the resolution before the Commission today does not allow any permits for new construction in the RSF district, and he thinks the Town should allow buildings that are already in the system, such as the applications that have already gone through the Concept Plan Review process where applicants already have an equitable interest in the property. He noted that his client, Mr. John Luring has already developed architectural plans for the 94 Island Drive property, they have been through the Concept Plan Review process, and they have already submitted a permit for demolition and a fence as well. The moratorium should only cover projects submitted after today.

John Luring, 92 and 94 Island Drive South, stated that he objects to the moratorium because it is unfair to large families. He stated that his family has been wintering in Ocean Ridge for 22 years, and there are 63 people in his immediate family, and they would need eight bedrooms just to fit his own family. He stated that limiting the number of bedrooms and bathrooms is not the way to go. He stated that if there is a concern about the home being a sober house, that is far from the truth. He stated that he owns a family business in Massachusetts, and the proposed home for 94 Island Drive South is a vacation home for the entire Luring family. He stated the family would like to build here and stay here.

Mr. Hartsell mentioned that the fourth district court of appeals just issued the Bert Harris opinion which was a concrete plant in a residential neighborhood. The concrete plant was going through its conceptual design process similar to Sunshine Estate Trust. He stated that Sunshine Estate Trust has made certain affirmative steps toward permitting such as cleaning out the house, shutting off the electric, and taking concrete steps into developing the land into the use that is currently consistent with the zoning and consistent with the character of the neighborhood as established by zoning.

Mayor Bonfiglio noted that this is not a property-specific moratorium. We have shortcomings in our code that we need to address, and we have been discussing these issues with staff. He clarified that the application that has been submitted with the town is a demolition permit for the current structure at 94 Island Drive South, and no building permit has been applied for to construct a new building on the site at this time.

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Commissioner Coz reiterated that no building permit application or building plans have been submitted to the Town yet for 94 Island Drive South. They have only submitted an application for the concept plan review process, which is not the same thing.

Jerry Goray, 130 Island Drive, P&Z Chair, stated that it's about time that we took a look at our ordinances as they relate to buildings and uses, and as long as we are going to do that, a moratorium is appropriate so no one can sneak in and get something passed before we take a fresh look at our overall ordinances. He stated he supports the temporary moratorium.

Mayor Bonfiglio reiterated that Mr. Goray had a meeting with staff, and he also spoke to the Commission about issues with our codes and concept plan review process. Mr. Goray confirmed, and stated that this has been in discussion for at least six months.

RESOLUTIONS

1. Resolution No. 2018-05: A Resolution of the Town Commission of the Town of Ocean Ridge, Florida, Issuing a Notice of Intent to Adopt a Temporary Moratorium on the Issuance of Building Permits in the RSF Zoning District Regarding New Construction and Construction that Increases the Size of the Existing Structure More Than Fifty Percent or Where the Cost Exceeds Fifty Percent of the Existing Structure; Prohibiting the Issuance of Building Permits; Directing the Town Clerk to Schedule a Public Hearing on the Moratorium and Providing an Effective Date. (By: R. Brian Shutt, Town Attorney)

Town Clerk Stevens read Resolution No. 2018-05 by title only.

Town Attorney Shutt explained that at the last town commission meeting, the Commission gave direction to staff to begin looking at codes regarding building and zoning, and to present options to the Town Commission at its next meeting. He stated he called the special meeting so we can take a faster approach to amending our codes so that we don't hold up anyone from building in Ocean Ridge longer than necessary. He stated it would be our intent to hold the first reading on the moratorium ordinance at the May 7th meeting, and have the second reading on June 4th. He wanted to make it clear that the Resolution states that the Town will not be accepting applications or issuing permits once the resolution is adopted. He noted that staff does not have any direction to not take applications at this time. Attorney Shutt clarified that the proposed moratorium will include only the RSF zoning district for new construction or remodels that exceed the threshold of 50% of the cost of the existing structure, or 50% of the size of the existing structure, which is the same standard we use for the concept plan review process. He stated that this resolution will put a stop on accepting applications that meet that criteria until the Town Commission formally adopts the ordinance.

Mayor Bonfiglio stated that staff has been working on changes to the building codes, and it has been a work in progress. Attorney Shutt confirmed, and stated that the intent is that the proposed ordinance that will be coming before the Commission on May 7th provides for a moratorium for nine months, however, staff already has an idea of the issues that have been arising and may have P&Z begin discussing this at its May 14th meeting, as we want to do this quickly. He stated that if we finish the ordinance amendment work early as intended, we may not need to go the full nine months on the moratorium.

Mayor Bonfiglio asked if the moratorium would affect the demolition permit that has already been submitted to the Town for 94 Island Drive South, and Attorney Shutt stated that it won't, but it will prevent them from submitting a building permit application to construct a new building. He stated we would be able to grant the permit for demolition, however, we would want to let the applicant know that there would be a moratorium in place that would prohibit building a new structure. He reiterated that we will go as quickly as possible on the new ordinances.

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Mayor Bonfiglio noted that the Commission has been addressing these building code issues with staff for weeks in order to provide for a safe and healthy environment for residents. Attorney Shutt followed up by stating that he has no doubt that Mr. Luring has a large family and will be using the proposed building for that purpose, however, we need to take into consideration septic tank issues and safety and welfare issues such as drain field issues in relation to the number of laundry facilities, bathrooms, kitchens, etc. inside and outside the unit, and he noted that our comp plan speaks to that as well.

Commissioner Coz stated that we need to take into consideration the history of this, and noted that the generation of this started over a year ago with the new Concept Plan Review process, and during the process of that the P&Z wanted new codes and additional authority to go with that, and it has been a long process.

Commissioner de Haseth moved to adopt Resolution 2018-05 as amended, adding the word application; seconded by Commissioner Coz.

Commissioner Coz asked about the term “unconventional structures” in the third whereas clause, and Attorney Shutt explained that it is not a defined term, however, it was a term used in meetings of the Commission, and it is a term that embodies what we are talking about, if there are single family homes that can possibly alter the fundamental zoning scheme of its mutual neighbor.

Commissioner Coz asked about Section 1 of the Resolution, and asked if we need to put in “for new construction or construction or addition to a structure”, or is the idea of new construction included in that wording. Attorney Shutt stated that he can add the words “new construction” in the resolution as well to clarify that point. He stated he will also clarify that staff will not accept applications or issue permits. Commissioner Coz stated that this applies to Section 2 as well.

The maker of the original motion, and the seconder, Commissioners de Haseth and Coz, accepted the above mentioned amendment to the Resolution to be included in the motion.

Public comment: Ken Kaleel, 86 Island Drive South, asked for clarification on the motion, and Attorney Shutt clarified that the motion is to adopt the Resolution with changes to reflect that we will direct staff to not accept building permit applications or issue permits for those structures that apply to new construction in the RSF Zoning District, or remodels that exceeds the size of the existing structure by 50% or exceeds 50% in cost of the existing structure, effective upon the vote of the Commission.

Mr. Kaleel stated that these discussions did start months ago when talking about the Concept Plan Review process, and one of the things he harped on was not the Concept Plan Review Board itself, but what is in the code that counts. He stated he is glad that the Commission is going through this process, as there are a lot of issues the P&Z will need to examine. He asked that the Commission take the least restrictive approach from the standpoint of time in the sense that this impacts a lot of properties in town, and it affects property values across the entire town. He stated there are a lot of homes that are coming up to be built and we are putting a stop to them, and that has impacts to a lot of people. He would like staff and the Commission to keep that in mind during the process. He asked if we could work on releasing certain things throughout the process and do it as expeditiously as possible.

Mayor Bonfiglio asked Attorney Shutt if this resolution is the final resolution on the moratorium, and Attorney Shutt explained that this resolution adopts the intent to pass a resolution, and the first reading of the proposed moratorium ordinance will be held on May 7th, with the second reading on June 4th. He stated that this resolution directs staff not to accept building permit applications and to let the public know the intent of the moratorium. Mayor Bonfiglio stated that nine months is the maximum time frame for the moratorium while we work on the issues that address the health, safety and welfare of the public. Attorney

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Shutt stated that the ordinance can be terminated earlier if we have adoption of the ordinance amendments in place before then.

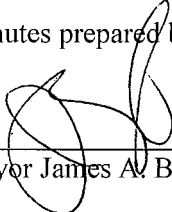
Town Manager Titcomb reiterated that this moratorium will only apply to new construction in the RSF zoning district as well as remodels that meet the 50% threshold, and will not affect regular permits such as demolition, fence permits, etc.

Motion carried 5-0.

ADJOURNMENT

Meeting Adjourned at 1:27 p.m.

Minutes prepared by Town Clerk Stevens, and adopted by the Town Commission on May 7, 2018.



Mayor James A. Bonfiglio

ATTEST:



Tracey L. Stevens, CMC, Town Clerk